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Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FREDDY ADAN GRACIA,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 1:24-cv-00441-KES-BAM

STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES PURSUANT
TO THE EQUAL ACCESS TO JUSTICE ACT,
28 U.S.C. § 2412(d); ORDER

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount of EIGHT THOUSAND DOLLARS AND ZERO CENTS (\$8,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel Jonathan O. Pena (Counsel). Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department

of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Counsel. Payments may be made by electronic funds transfer (EFT) or by check.

Plaintiff was an individual whose net worth did not exceed \$2,000,000 at the time the civil action was filed.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel, including Counsel's law firm and any associates, may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: September 8, 2025

PENA AND BROMBERG, PC

By: /s/ Jonathan Pena*

JONATHAN PENA

Attorneys for Plaintiff

[*As authorized by e-mail on Sept. 8, 2025]

Dated: September 8, 2025

ERIC GRANT

United States Attorney

MATHEW W. PILE

Head of Program Litigation 1

By: /s/ Margaret Branick-Abilla

MARGARET BRANICK-ABILLA

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: September 8, 2025

A handwritten signature in blue ink, appearing to read "Keith S. Smith", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE